

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHAWN STEPHEN,

Plaintiff,

-against-

CITY OF NEW YORK, SGT. BRIAN HERBERT, P.O.
MATTHEW HYNES, P.O. JASON MICHAUD, and P.O.
JEFFREY STRAUBER,

Defendants.
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**PLAINTIFF'S NOTICE OF
MOTION FOR
SPOILIATION**

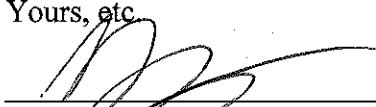
Docket No.:
CV 12-1295

PLEASE TAKE NOTICE, that upon the annexed Affirmation of Brett A. Zekowski, affirmed this 25th day of October, 2016, and upon the exhibits attached to the Affirmation, and upon proceedings in this case to date, the plaintiff will move this Court at the Courthouse located at 225 Cadman Plaza East, Brooklyn, NY 11201 on November 1, 2016 for an Order:

- 1) issuing an "adverse inference" charge for failing to provide a) the actual or certified copy of the 911 tapes, b) the actual or certified copy of the Sprint tapes, c) the actual or certified copy of the radio motor patrol car transmission tapes, and d) the actual or certified copy of the original communication tapes and transcripts between police officers and 911 and/or dispatch for the morning in question at the location of plaintiff's incident; and
- 2) for other and further relief this Court deems just and proper.

Dated: Port Washington, New York
October 25, 2016

Yours, etc.



Parker Wachman, LLP
Brett A. Zekowski
Attorneys for Plaintiff
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Our File # 043689

TO: Corporation Counsel of the City of New York
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